United Nations A/70/321

General Assembly

Distr.: General
14 August 2015

Original: English

Seventieth session
Item 71 (a) of the provisional agenda*
Elimination of racism, racial discrimination, xenophobia and related intolerance

Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, on the implementation of Assembly resolution 69/160.

* A/70/150.

15-13793 (E) 010915

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Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Summary

The present report to the General Assembly is submitted pursuant to Assembly resolution 69/160 on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in which the Assembly requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to prepare a report on the implementation of the resolution based on views collected from Governments and non-governmental organizations, for submission to the Assembly at its seventieth session.

In his report, the Special Rapporteur summarizes the contributions sent by nine States on the implementation of the resolution as well as five submissions sent by non-governmental and other organizations. He then puts forward a number of conclusions and recommendations.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/160 entitled "Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance".

2. In the resolution, the General Assembly expressed concern at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups and similar extremist ideological movements. This has led to an increasing number of acts of racially based violence and mounting hate speech in the public sphere, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/29/47 and A/69/334). In resolution 69/160, the Assembly recalled the request of the Commission on Human Rights, in its resolution 2005/5, that the Special Rapporteur continue to reflect on the issue, make relevant recommendations in his future reports and seek and take into account in that regard the views of Governments and non-governmental organizations. The Assembly requested the Special Rapporteur to prepare, for submission to the Assembly at its seventieth session and to the Human Rights Council at its twenty-ninth session, reports on the implementation of the resolution based on the views collected.

3. In paragraph 6 of the resolution, the General Assembly emphasized the recommendation of the Special Rapporteur that "any commemorative celebration of the Nazi regime, its allies and related organizations, whether official or unofficial, should be prohibited by States", and stressed in that regard that it was important that States take measures, in accordance with international human rights law, to counteract any celebration of the Nazi SS organization and all its integral parts, including the Waffen SS. In paragraph 7, the Assembly expressed concern about recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War as well as to unlawfully exhume or remove the remains of such persons and, in that regard, urged States to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949.

4. In paragraph 8, the General Assembly noted with concern the increase in the number of racist incidents worldwide, including the rise of skinhead groups, which had been responsible for many of those incidents, as well as the resurgence of racist and xenophobic violence targeting, inter alia, persons belonging to national, ethnic, religious or linguistic minorities. In paragraph 10, the Assembly condemned without reservation any denial or attempt to deny the Holocaust. In paragraph 11, the Assembly welcomed the call of the Special Rapporteur for the active preservation of those Holocaust sites that served as Nazi death camps, concentration and forced labour camps and prisons as well as his encouragement of States to take measures, including legislative, law enforcement and educational measures, to put an end to all forms of Holocaust denial. In paragraph 12, the Assembly called upon States to continue to take adequate steps, including through national legislation, in accordance with international human rights law, aimed at the prevention of hate speech and incitement to violence against persons belonging to vulnerable groups.

5. In accordance with the practice established in previous reports, the Special Rapporteur summarizes herein information received on relevant activities undertaken by Member States pursuant to resolution 69/160. In preparing the report, a note verbale was sent on 10 March 2015 to Member States and a letter to non-governmental organizations requesting information on the implementation of the resolution. By 30 June 2015, replies had been received from Argentina, Bahrein, Belarus, Estonia, Kazakhstan, Qatar, the Russian Federation and Serbia. The Special Rapporteur also received contributions from a coalition of German non-governmental organizations, lawyers and academics acting as co-plaintiffs in the trial of members of the National Socialist Underground, the Foundation for Sustainable Development for Bulgaria, the Hampton Institute, the International Association of Democratic Lawyers and the Latvian Human Rights Committee. The Special Rapporteur wishes to thank all those who kindly contributed to the present report and regrets not being able to consider submissions received after that date.

6. The information received is summarized below. The original submissions are available for consultation at the Office of the United Nations High Commissioner for Human Rights.

II. Contributions received from Member States

A. Argentina

7. The Government referred to the Law of Discriminatory Actions (No. 23.592) of 1988, which lays the basis for combating all forms of discrimination in Argentina. The Government also noted that since the constitutional reform of 1994, all human rights treaties to which Argentina was a party acquired supralegal status, including the International Convention on the Elimination of All Forms of Racial Discrimination (law No. 17.722) and the Convention on the Elimination of All Forms of Discrimination against Women (law No. 23.179). The Government also noted that racist or xenophobic offences constituted aggravating circumstances in national criminal law, as recommended in resolution 69/160.

8. The Government highlighted the creation of the National Institute against Discrimination, Xenophobia and Racism, which coordinated the actions proposed in the National Plan against Discrimination in Argentina, "Diagnosis and proposals (decree No. 1086/2005)", a document elaborated in connection with the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001.

9. Among the actions undertaken by the National Institute to counter racism in Argentina was the signing of collaboration agreements, including an agreement between the Chacarita and the Atlanta football clubs, the latter having predominantly Jewish supporters. On 12 March 2012, during a football match, Chacarita fans shouted anti-Semitic remarks at the Atlanta club. The Institute issued a press statement denouncing the incident, which resulted in the Argentine Football Association penalizing the Chacarita club by docking points. The Institute also developed the "Framework Convention on Cooperation against Discrimination, Xenophobia, and Racism", which the clubs signed.

10. The Institute also participated in educational activities mandated as part of suspended sentences for offences related to discrimination. For example, between 2013 and 2014, some 15 persons attended tributes to a former Nazi official that were held in a cemetery in Buenos Aires. The persons concerned were sentenced to probation and were required to attend training provided by the Institute. The training covered topics such as racism, discrimination, xenophobia and Nazism and was aimed at raising awareness about the grave nature of neo-Nazi acts and the importance of human rights.

11. The Institute also conducted campaigns against racism. In 2011, it created the "Intercultural Area", which covered the issue of discrimination and racism directed towards minority groups. The Intercultural Area aimed to combat racist practices through awareness-raising and visualization. As part of this campaign, the Institute also published a booklet entitled "Racism: towards an intercultural Argentina", which included a section on the Holocaust as an example of institutionalized racism.

12. The Institute ran two observatory bodies that monitor discrimination: the Observatory of Discrimination in Football and the Observatory of Discrimination in Radio and Television. Among their many other roles, these bodies analysed actions, content and commentaries in their respective areas and created a space for the actors to participate and reflect upon issues. The Institute also created a monitoring mechanism for hate speech on the Internet which, with regard to anti-Semitism, collaborated with the Delegation of Argentine Jewish Associations, the Argentine Jewish Mutual Aid Society and the Latin American Jewish Congress.

13. The Institute also cooperated with civil society and other international and regional human rights mechanisms to fight racism, discrimination, xenophobia and other forms of intolerance. For example, in 2010, the executive branch declared 27 January to be International Holocaust Remembrance Day (decree No. 157/2010). The decree was promulgated as part of Argentina's commitment as the first and only Latin American member of the International Task Force for Cooperation on Holocaust Education, Remembrance and Research. Finally, the Institute also participated in the Latin American Network against Discrimination, of which it was elected Chair in August 2014 and which has allowed it to share Argentina's experience with discrimination and give that experience a wider institutional reach.

B. Bahrain

14. The Government reported that it had taken steps to combat and eliminate all forms of ideological extremism and racial intolerance by, inter alia, introducing human rights syllabuses in local universities and promulgating a code of ethics for journalists to ensure that they do not condone propaganda that is of a racist nature, express contempt or hatred for religions or incite discrimination or denigration of the views of a social community.

15. The Government had drawn up a code of ethics which required religious leaders in Bahrain to exercise moderation in their sermons, promote the values of coexistence and brotherliness and refrain from making politically inflammatory statements or inciting hatred or discrimination against others on the grounds of their racial, doctrinal or other affiliations.

16. The Government also referenced a number of amendments that had been made to local labour legislation to explicitly prohibit discriminatory employment practices.

C. Belarus

17. The Government reported that the Commissioner for Religious and Ethnic Affairs and his team working in the area of inter-ethnic relations coordinated the activities of the national public administration, local executive, administrative bodies and voluntary associations that promoted the rights of Belorussian citizens of different ethnic groups.

18. In this regard, a working group had been set up to improve public policy regarding ethnic relations. It was tasked with providing information on State policy in the field of ethnic and religious relations, encouraging the preservation and study of cultural heritage, promoting the traditions of ethnic communities, encouraging the activities of educational establishments involving intercultural cooperation among students and publicizing the results of sociological research on ethnic issues in Belarus. Under the umbrella of the Commissioner for Religious and Ethnic Affairs, the Inter-ethnic Advisory Council was established in 2006.

19. Additionally, the Commissioner's office funded an annual national competition for journalists for the best coverage of issues related to inter-ethnic and interfaith relations, intercultural dialogue in the country and cooperation with compatriots abroad. In the past three years, this organization had given over 500 million Belarusian roubles to voluntary associations to promote the activities of ethnic communities in Belarus. The funds had been used to purchase and donate ethnic costumes and shoes, sound equipment, office equipment and print material for performance groups of the Azerbaijani, Armenian, Georgian, Greek, Jewish, Korean, Lithuanian, German, Polish, Ukrainian, Chuvash, Tatar-Bashkir, Moldovan, Kazakh, Roma and Estonian national cultural associations.

D. Estonia

20. The Government clarified its perspectives on contemporary forms of racism, radical discrimination, xenophobia and related intolerance by pointing out a variety of actions and developments within the country. The Estonian Penal Code forbade activities that publicly incited hatred, violence and discrimination on the basis of nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion or financial or social status. Another piece of legislation, the Advertising Act, regulated advertising by forbidding anything contrary to good morals and customs, inciting violence or containing denigrating and discriminating messages, among others.

21. Additionally, 14 June was a national day of mourning commemorating the victims of all crimes against humanity carried out by any repressive forces. As far as combating the distortion of history is concerned, Estonia believed in the importance of remembering and commemorating history. That notion was celebrated by the Baltic Way, a peaceful demonstration held on 23 August in remembrance of the Molotov-Ribbentrop Pact between the Soviet Union and Nazi Germany. That date had also been proclaimed by the European Parliament as European Day of

Remembrance for Victims of Stalinism and Nazism, or Black Ribbon Day, to be commemorated with dignity and impartiality.

22. Estonia also approached the education of its youth with honesty and a multicultural perspective. When teaching about the Holocaust, teachers were expected to include a field trip to a significant commemorative site. Estonia condemned any behaviour associated with Nazism, racism, xenophobia, racial and ethnic hatred and any other forms of intolerance.

E. Kazakhstan

23. The Government provided responses from four ministries: the Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Health and Social Development and the Ministry of Culture and Sport.

24. The Ministry of Internal Affairs reported that between 2014 and 2015, no cases were reported regarding the promotion or dissemination of fascist, Nazi and neo-Nazi ideology, or of other manifestations of racism and racial discrimination. Furthermore, on 16 September 2014, the Bostandyk district court in the city of Almaty designated Adolf Hitler's book, *Mein Kampf*, as extremist literature and prohibited its importation, publication and distribution in Kazakhstan.

25. The Ministry of Justice referred to article 20 of the Constitution which, consistent with the International Covenant on Civil and Political Rights, safeguarded freedom of expression and established the right of each person to freely receive and disseminate information in any manner consistent with the law. In addition, article 23, paragraph 1, granted Kazakh citizens the right to freedom of association.

26. The Ministry also referred to article 5, paragraph 3, which prohibited the establishment and running of voluntary associations whose aims or actions were directed at changing the constitutional system by, inter alia, inciting social, racial, national, religious, class or ethnic discord or creating paramilitary groups not permitted by legislation. Under article 39 of the Constitution, restrictions may be placed on human and civil rights and freedoms only through laws and to the extent necessary to defend the constitutional order and protect public order, human rights and freedoms and the health and moral integrity of the population. In addition, article 5 of the Voluntary Associations Act of 31 May 1996 prohibited the establishment and running of voluntary associations that pursued extremist aims as well as the creation of paramilitary groups not permitted under Kazakh legislation. Under the Kazakh Criminal Code, incitement to social, national, ethnic, racial, class or religious discord was classified as an extremist crime (see Criminal Code, art. 174; before 2015, see art. 164).

27. The Ministry also highlighted article 400 of the new Criminal Code, which made it an offence to organize, hold or take part in unlawful meetings, rallies, marches, protests, demonstrations or other unlawful public events if those actions caused substantial harm to the rights and legitimate interests of citizens or organizations or of interests of society or the State which were protected by law. Under article 155, paragraph 1, of the Criminal Code, for unlawfully preventing a meeting, rally, march, protest, demonstration or other lawful public event from being arranged, held or attended or for compelling others to participate in them, the

penalty was a fine of up to 200 times the monthly reference index, punitive deductions of earnings of the same magnitude, up to 180 hours of community service or detention for up to 60 days.

28. Pursuant to article 7, paragraph 3 (2), of the Advertisement Act, advertisements which disparage works of art, culture or historical monuments that are national or global treasures were considered malevolent. In accordance with article 6, paragraph 6, of the Act, advertisements must not be used as propaganda or to campaign for the overthrow of the constitutional order by force; the violation of Kazakhstan's territorial integrity; the undermining of State security; the incitement of social, racial, national, religious, class and ethnic discord; or a culture of cruelty and violence. Under article 124 of the Code of Administrative Offences of 5 July 2014, a fine of 25 times the monthly reference index was imposed for placing campaign materials on monuments, obelisks, buildings and structures which had historical, cultural or architectural value or in spaces reserved for voting.

29. The Ministry of Culture and Sport was one of the bodies carrying out State policy to promote inter-ethnic relations and social harmony. The Ministry referred to its strategic plan, which covered the creation of a tolerant language environment as a factor unifying the people of Kazakhstan, further strengthening of the national identity and unity of the nation and the fostering of stability in Kazakhstan. With the participation of representatives of government departments and civil society, efforts were being made to organize different formats of events designed to instil a sense of patriotism and reinforce inter-ethnic relations and social harmony in the country. The events included educational seminars for regional law enforcement officers to increase their awareness of the burgeoning civil society and the latest inter-ethnic policy.

F. Qatar

30. The Government indicated that there was no information to provide on the glorification of Nazism in Qatar, but that there were preventive measures in place to combat racism, racial discrimination, xenophobia, and related intolerance, although the Government did not provide further details on those measures.

G. Russian Federation

31. The Government highlighted a number of laws, decrees and policies undertaken in the fight against neo-Nazism and other extremist ideologies, starting with the Russian Criminal Code, as well as the Code of Administrative Offences. It then proceeded to describe a variety of federal laws and concluded with the activities of a selection of ministries.

32. The Criminal Code treated the commission of offences motivated by political, ideological, racial, ethnic or religious hatred or enmity as aggravating circumstances that increased the penalty imposed. Acts aimed at inciting hatred or enmity or humiliating a person or group on the grounds of sex, race, ethnicity, language, origin, religion or membership of a particular social group were considered crimes against the constitutional order and security of the State. The Criminal Code also established as offences the destruction of or damage to cultural heritage sites,

including monuments and burial sites, on the grounds of political, ideological, racial, ethnic or religious hatred or enmity.

33. The Code of Administrative Offences established liability for publicizing and publicly displaying Nazi paraphernalia or symbolism as well as for the manufacture, sale or purchase of such paraphernalia or symbolism for profit or mass distribution.

34. The Government referred to Federal Act No. 128-FZ of 2014 which classified as crimes the following acts: the denial of facts established by verdict of the International Military Tribunal for the Prosecution and Punishment of the Major War Criminals of the European Axis; approval of the offences established by that verdict; and the dissemination of deliberately false information concerning the actions of the Union of Soviet Socialist Republics during the Second World War.

35. The Government indicated that in 2012, a presidential decree was promulgated with the intention of promoting inter-ethnic harmony. Within its framework, a preventive response system had been set up that had prevented 95 inter-ethnic clashes. These legislative approaches were supported by actions of a selection of government ministries. The Ministry of Justice published lists of public associations, religious organizations and non-profit organizations whose activities have been suspended by court decision. As of April 2015, 42 organizations were on the list. Additionally, the Federal Service for Supervision in the Sphere of Telecommunication, Information Technologies and Mass Communications may directly block Internet sites and other forms of media that incite racial, ethnic, religious or social hatred or promote the ideas of Nazism. Finally, the Ministry of Culture and the State Archives were preparing a joint Russian-German exhibition entitled "Ways of overcoming the consequences of war: from confrontation to reconciliation: documents from the archives of Russia and Germany". Overall, special attention was paid to the implementation of the State Policy on Nationalities to encourage cooperation with international and non-governmental organizations to combat Nazism and neo-Nazism as well as other practices that contribute to fuelling contemporary forms of racism.

36. Finally, the Government also submitted separately a report entitled "Neo-Nazism: a dangerous threat to human rights, democracy and the rule of law" aimed at attracting the international community's attention to the global resurgence and proliferation of Nazi ideals and related extremist ideologies in several selected countries.

H. Serbia

37. The Government reported that several bodies, including the Council for National Minorities and the Interreligious Council, had been established within the Government to consider certain aspects of inter-ethnic and interreligious relations, including identifying problems and taking preventive actions. Representatives of national minorities and religious communities took part in the operations of these bodies.

38. The Government pointed out that the Criminal Code criminalized hate crimes, in particular those which incited national, racial and religious hatred and discrimination. In addition, in December 2012, the Criminal Code was amended to make hate crimes special aggravating circumstances in sentencing.

39. The Government referred to its Law on Public Information and Media, which prohibited the distribution of information invoking direct violence against a person or group on the basis of race, nationality, political affiliation, religion, sexual orientation, disability or other personal feature.

40. The Government made reference to its Law on Prohibition of Neo-Nazi or Fascist Organizations and Associations and Prohibition to Use Neo-Nazi or Fascist Symbols and Insignia, which prohibited members or supporters of Neo-Nazi and fascist groups from organizing events, disseminating neo-Nazi or fascist symbols, insignia, or promotional materials or acting in any way that promotes neo-Nazi and fascist ideas.

41. The Government indicated that its Law on Associations stipulated that an association may be prohibited from operating if it does not have the status of legal person and/or is not registered. The Government cited the cases of Nacionalni Stroj (National Machine) and Otacastveni Pokret Obraz (Patriotic Movement Honour), organizations that incited racial and national hatred which were banned by the Constitutional Court.

42. The Government also referred to its National Strategy for Combating Violence and Indecent Behaviour at Sports Events (2013-2018), which laid out the basic principles and security policy in the fight against violence and indecent acts in sport arenas based on racial, national, and religious grounds.

43. The Government reported that the Judicial Academy trains holders of judicial offices on subjects including the "Council of Europe and the European Convention on Human Rights" and "European Union law and human rights". Through such training, judicial officers acquired knowledge on European standards on human rights, discrimination, racism, xenophobia and hate speech.

44. The Government presented its Strategy on Improvement of the Status of Roma and two associated action plans which had been adopted in 2009. Serbia had also joined the international initiative of the Decade of Roma Inclusion. A solid framework for the promotion of the social status of Roma was thus established in the key areas of education, health care, employment and housing.

45. The Government referred to its National Programme of Marking the Anniversary of Historical Events of Liberation Wars of Serbia, which had been developed in recognition of the need to preserve a dignified memory of victims of and participants in armed conflicts in the past, in order to strengthen and further affirm the principles of patriotism, anti-fascism, understanding and cooperation as well as the fight against anti-Semitism. Important dates included the Memorial Day of the Victims of the Holocaust, Genocide and other Victims of Fascism in World War II (22 April) and the International Day against Fascism and Anti-Semitism (9 November).

46. Finally, the Government noted that workshops, seminars, conferences and round tables contributed to the professional training of teachers so that they could implement pedagogical methods in accordance with General Assembly resolution 69/160. Such projects included Intercultural Education (with the Open Society Foundation) and Holocaust Education (with the International Holocaust Remembrance Alliance, among others).

I. Turkey

47. The Government reported that, via a constitutional amendment, the provisions of international human rights treaties ratified by Turkey may be invoked directly before Turkish courts. Accordingly, the International Convention on the Elimination of All Forms of Racial Discrimination was an integral part of the Turkish national legislation.

48. The Government noted that the current Penal Code, which entered into force on 1 June 2005, penalized discrimination, hate crimes (art. 122), incitement to social, racial, religious or regional enmity or hatred (art. 216), genocide (art. 76), crimes against humanity (art. 77), unlawful collection of personal data, inter alia, on racial grounds (art. 135), the act of hindering the exercise of freedom of belief, thought or conviction (art. 115) and the act of damaging places of worship (art. 153).

49. The Government referred to the training of members of the law enforcement agencies on human rights standards. It also noted the courses on human rights given at the Justice Academy of Turkey for candidate judges and prosecutors and in-service training for staff of the Ministry of Justice. The training focused, inter alia, on prohibition of discrimination and the obligations of Turkey under the relevant United Nations and Council of European conventions and the case law of the European Court of Human Rights.

III. Contributions received from non-governmental and other organizations

A. Coalition of German non-governmental organizations, lawyers and academics

50. The report submitted by a coalition of German non-governmental organizations, lawyers and academics acting as co-plaintiffs (*Nebenkläger*) in the trial of members of the National Socialist Underground at the Higher Regional Court in Munich discussed that terrorist group and addressed the issue of racial discrimination exemplified by law enforcement investigations surrounding a series of murders and bombings that the group carried out.

51. The National Socialist Underground was accused of having committed at least 10 murders between 2000 and 2007. Nine of the victims had migrant backgrounds and the other victim was a policewoman. In addition to the murders, the group was allegedly accused of having committed three bombings. The target of the first bomb was a restaurant managed by a person with a Turkish background. The second was a grocery store owned by a person with an Iranian background. In the third attack, a nail bomb was detonated in a busy shopping street with many shops run by Turkish families. The coalition reported that the group funded itself by distributing anti-Semitic board games, receiving donations from extreme right-wing circles and committing bank robberies.

52. The Coalition alleged that from 1998 to 2011 law enforcement agencies did not seriously investigate the possibility that neo-Nazis could be the perpetrators of those hate crimes. It suggested that this failure may be due to institutional racism in

the context of investigations of racist offences. To combat institutional racism, the coalition stated that Germany should critically examine the statutory framework governing the public service in terms of discriminatory thought patterns and the values that these in turn convey to society. The results of such an examination should also include active measures to guarantee equal protection to all through efficient law enforcement.

B. Foundation for Sustainable Development for Bulgaria

53. The Foundation for Sustainable Development for Bulgaria expressed full support for General Assembly resolution 69/160, particularly in view of the current revival of fascism and extreme ideologies in both Europe and, more specifically, within Bulgaria's borders.

54. The organization highlighted concerns about the *Liukovmarsh*, an annual march held in February to celebrate General Lukov, a leader of the Bulgarian Legions that fought in the Second World War alongside the Nazis and Bulgarian fascists. The march featured Nazi symbols, including music, torches, shaved heads and acts of racial, ethnic and religious hatred. Another worrisome development within Bulgaria was the desecration of a monument to the Soviet Army in Sofia which commemorated the country's gratitude to the forces of the Soviet Union that liberated Bulgaria from fascist rule.

55. One of the forces driving these developments is the influence of the education system, which had a tendency to disregard the historical past and the truth regarding events that had occurred in the last century in Bulgaria and the rest of Europe by taking a more critical view of socialism than of Nazism and fascism. Young people were especially susceptible to extremist ideologies during times of unfavourable social and economic conditions such as were prevalent today.

56. In conclusion, the organization observed that Bulgaria had no laws or regulations forbidding pro-fascist and xenophobic manifestations and that legislation should be passed to prevent public demonstrations of neo-fascism, racism and xenophobia as they pose threats to humanity.

C. The Hampton Institute

57. The Hampton Institute provided information on Nazism and white supremacy in the United States military. According to the organization, there was a documented trend of neo-Nazi and white supremacist groups encouraging their members to seek State-sponsored military training to be put to use in carrying out or participating in domestic terrorism, or a "racial holy war", as well as a concerted effort on the part of white supremacist and neo-Nazi leaders to actively recruit members from within the ranks of the military. This trend had intensified since the beginning of the "war on terror", which had created a large pool of embittered soldiers and veterans returning to a bleak economic landscape caused by the prolonged economic downturn.

58. The organization also reported the rise of neo-Nazism and white supremacy on college campuses. Groups that wished to protect "white privilege" against what they view as an "attack on whiteness" had begun to surface on college campuses. These

groups had led to a rise in incidents of verbal abuse and violence directed at people of colour, members of the lesbian, gay, bisexual and transgender community and other groups. Such college organizations included Youth for Western Civilization, the Traditionalist Youth Network and the National Youth Front.

59. The organization also raised the issue of neo-Nazism protected by the State. According to the organization, in Toledo, Ohio, neo-Nazis had successfully utilized the State security apparatus to protect and shield themselves from mass popular resentment. One of the tactics neo-Nazis employed was to invoke their right under the First Amendment to the United States Constitution, which guaranteed the rights to religion, expression and assembly, to acquire police protection. In 2005, riot police clashed with local residents angered by a neo-Nazi demonstration in Toledo and the police protection provided to the group by the city. The city spent $100,000 to protect the neo-Nazis. In 2015, there was a similar demonstration and, although there were no clashes, the city spent over $76,000 on overtime pay to protect the neo-Nazis.

60. The organization also provided information on the Tea Party, a political movement in the United States that began during the 2008 presidential election, which it characterized as a proto-fascist political movement. According to the organization, the Tea Party had attempted to capitalize on elements of neo-Nazism and white supremacy. Many white nationalists viewed the Tea Party as an inroad to mainstream politics, a strategy that was debated on major white nationalist websites.

61. The organization also reported that the State of California had the highest number of neo-Nazi organizations and activities in the United States. According to the organization, the state had 68 active hate groups, many of them in southern California. Neo-Nazi and white supremacist groups flourished in particular in high desert areas and inland valleys. In addition, as Hispanic people moved into predominantly African-American neighbourhoods and African-Americans migrated to Nevada, Arizona and other states, there had been an increase in hate crimes against African-Americans. In 2013, the Los Angeles County Commission on Human Relations found that, on average, more than one hate crime took place each day in the county.

62. Finally, the organization presented for comparative purposes a study undertaken in Australia showing that neo-Nazi groups there were growing at an alarming rate and were getting harder to police because of social media. The two principal neo-Nazi organizations in Australia were Blood and Honour and the Southern Cross Hammerskins; many other smaller groups existed as well. Apart from distributing neo-Nazi propaganda, their main, semi-public activity was to organize a gathering in Melbourne each year to commemorate the death of the Blood and Honour founder, Ian Stuart Donaldson. Recently, Islamophobia had attracted many new supporters to these organizations.

D. International Association of Democratic Lawyers

63. The International Association of Democratic Lawyers drew attention to the human rights violations in Ukraine resulting from racism, discrimination, xenophobia and other forms of intolerance as well as government alliances with leaders of far-right nationalist groups. According to the organization, there had been

an increasing number of speeches in recent months advocating national, racial, religious or political hatred, along with instances of racist and xenophobic violence.

64. Additionally, war propaganda was pervasive in Ukraine, giving rise to attempts to identify "enemies" and "traitors". Ultranationalist far-right groups had fostered "anti-communist hysteria", leading to acts of vandalism, aggression and threats against leaders, members and sympathizers of communist groups.

65. The organization stressed that two issues required particular attention. The first was an attempt to ban the Communist Party of Ukraine by means of a suit filed in July 2014 by the Minister of Justice. Hearings were held in August and September, but the trial had been suspended indefinitely because one of the judges involved in the case had had his computer and other documents seized by law enforcement officials in a raid of his office. Concurrently, over 300 criminal proceedings have been initiated against Communist Party members.

66. The second issue concerned a package of four bills adopted on 9 April 2015 by parliament. Known as the "Decommunization Laws", the bills had been signed on 15 May and had gone into effect. They allegedly outlined an official version of twentieth-century Ukrainian history and made any challenge to the official version a criminal offence. The laws also banned the dissemination of communist ideology and the use of its symbols and provided for an extensive decommunization of the public space, including name changes for towns, streets and schools associated with the communist past. Additionally, the laws officially recognized members of the ultra-right political group, the Organization of Ukrainian Nationalists, as "fighters for the country's independence".

67. For these reasons, the International Association of Democratic Lawyers called upon the Government of Ukraine to fulfil its human rights obligations and put a stop to the current antidemocratic and belligerent trend in Ukraine.

E. Latvian Human Rights Committee

68. The Latvian Human Rights Committee addressed the events and actions taken during the years 2014-2015. The organization's first main concern was the glorification of the Latvian Legion of Waffen SS, the main Latvian unit that fought alongside the Nazis in the Pskov region of the Soviet Union in 1944. Although the parliament of Latvia could not officially celebrate 16 March as "Legion Day", owing to controversy, the day was nevertheless celebrated by many individuals who marched in the streets; there were typically between 1,000 and 1,500 marchers. While the current Head of Government and the Ministry of Foreign Affairs had tried to distance themselves from the marches by referring to freedom of expression, politicians spoke of the marches in terms of "pride" and "remembering heroes".

69. The second concern involved a musical staged in the cities of Riga and Liepaja dedicated to Herberts Cukurs, an aviator who had participated in the Holocaust as a member of the Arajs Commando. The Minister of Foreign Affairs of Latvia and the Ministry of Foreign Affairs of Israel had both condemned the musical. Despite these official positions, individuals, including the actor who played the leading role of Cukurs, claim that Cukurs was a victim of rumours and "a big fairy tale" and that there was no evidence of his having participated in the Holocaust.

70. The final concern raised had to do with political opposition to bills on returning real estate seized by the Nazis to the Jewish community. A member of the National Alliance, a right-wing political party, claimed that almost no properties had been taken during the Nazi occupation of Latvia and that one particular Jewish man who had written letters of protest to the President of Latvia was "close to "Russia" and "the Kremlin".

IV. Conclusions and recommendations

71. **The Special Rapporteur is grateful to the States and non-governmental organizations that provided information on the measures implemented pursuant to General Assembly resolution 69/160. He recalls the importance of full cooperation with his mandate, as stipulated in Human Rights Council resolution 25/32.**

72. **The Special Rapporteur notes that some submissions referred to the phenomena identified in resolution 69/160 and to the proliferation of extreme right-wing groups. Others stressed that no such phenomena existed within their borders. The Special Rapporteur wishes to reiterate that the challenges to human rights and democracy posed by extremist political parties, movements and groups are universal and that no country is immune to them. He calls upon States and all other stakeholders to increase their vigilance and to be proactive in strengthening efforts and political will to recognize and address them effectively.**

73. **The Special Rapporteur also wishes to reiterate that any commemorative celebration of the Nazi regime, its allies and related organizations, whether official or unofficial, should be prohibited by States. The Special Rapporteur wishes to recall paragraph 14 of resolution 69/160, in which the General Assembly stressed that such manifestations do injustice to the memory of the countless victims of the Holocaust, the crimes against humanity committed during the Second World War, in particular those committed by the SS organization and other Nazi groups, and negatively influence children and young people and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter.**

74. **In this regard, the Special Rapporteur recalls his condemnation of any manifestation of religious intolerance, incitement, harassment or violence against persons or communities on the basis of ethnic origin or religious belief. Furthermore, the Special Rapporteur remains concerned about the continued scapegoating of vulnerable groups, including migrants, asylum seekers and ethnic minorities. Such discourses remain powerful tools for politicians whose goal is to mobilize the masses to the detriment of social cohesion and human rights. The continued uncensored and unpunished expressions of supremacist, anti-Semitic and hateful opinions by some political leaders may indicate that societies are growing dangerously and increasingly tolerant of hate speech and extremist ideas.**

75. **The Special Rapporteur recalls several recommendations made in previous reports to the Human Rights Council (A/HRC/23/24, A/HRC/26/50 and A/HRC/29/47) and the General Assembly (A/68/329 and A/69/334) and**

wishes to reiterate that these remain valid and current. They are presented again below.

Legislative measures

76. **The Special Rapporteur welcomes the information provided regarding the ratification of a range of instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, and the inclusion of the Convention in national legal and constitutional frameworks. He urges those States that have not yet done so to ratify the Convention and make the declaration under its article 14, thus providing competence to the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by a State party of any of the rights set forth in the Convention (A/69/334, para. 77).**

77. **The Special Rapporteur is pleased to note that some countries have adopted legislation specifically to tackle the challenges posed by extremist political parties, movements and groups and have elaborated legal or constitutional provisions to prohibit organizations and associations that incite national, racial or religious hatred and violence and propagate fascist ideology (ibid., para. 78).**

78. **The Special Rapporteur encourages States to adopt the legislation necessary to combat racism, while ensuring that the definition of racial discrimination complies with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. He calls for the updating of national anti-racism legislation in the light of the increasingly open expression of hate speech and incitement to violence against vulnerable groups. In this regard, he recalls that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements and groups, including neo-Nazis and skinhead groups and similar extremist ideological movements, should be in conformity with the relevant international human rights standards. He also urges States to implement their obligations under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and articles 19 to 22 of the International Covenant on Civil and Political Rights (ibid., para. 80).**

79. **The Special Rapporteur notes with appreciation that several States have prescribed in their criminal codes that racist and xenophobic motivation constitute an aggravating circumstance attracting heavier sanctions against not only instigators but also followers (ibid., para. 81). While welcoming the information provided regarding measures taken to prevent discrimination against members of minorities, people of African descent, Roma, migrants, refugees and asylum seekers and to ensure their integration into society, the Special Rapporteur wishes to urge States to ensure the full and effective implementation of legal, policy and institutional measures protecting these groups of individuals (ibid., para. 82).**

80. **The Special Rapporteur recommends that States effectively guarantee to these groups, without discrimination of any kind, the right to security and access to justice, adequate reparation, legal aid and appropriate information about their rights, as well as the prosecution and adequate sanction of those**

responsible for racist crimes against them (ibid.), including the right to seek reparation for damages suffered as a result of such crimes. He also recommends that States ensure that victims of racist or xenophobic crimes are provided with the necessary legal, medical and psychological assistance and are made aware of their rights and of existing judicial and non-judicial remedies (A/HRC/29/47, para. 47).

81. The Special Rapporteur recalls paragraph 13 of the outcome document of the Durban Review Conference, which states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law, as shall be the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts. In that regard, the Special Rapporteur calls upon all States to respect the commitments made in the outcome document, which is a comprehensive framework for action against racism, racial discrimination and xenophobia (A/HRC/29/47, para. 45).

Political measures

82. The Special Rapporteur calls upon States and all stakeholders to counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements. While good practices have been identified, several challenges remain, such as the rise in extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements, which continue to pose major human rights and democratic challenges, especially in the context of the continued economic crisis in several States. Greater vigilance from all relevant actors is therefore important. A comprehensive approach based on a solid legal framework, complemented by other key measures such as education and awareness-raising programmes, and victim-centred approaches should be further developed. Good practices such as those mentioned in document A/HRC/29/47 should also be exchanged on a regular basis among all actors working in this field (A/HRC/26/50, para. 43).

83. The Special Rapporteur reiterates his call to political leaders and parties to strongly condemn all messages disseminating ideas based on racial superiority or hatred, incitement to racial discrimination or xenophobia. These leaders should be aware of the moral authority they represent and use it to promote tolerance and respect, and refrain from forming coalitions with extremist parties of a racist or xenophobic character. Respect for human rights and freedoms, democracy and the rule of law should always be the cornerstone of all their programmes and activities, taking into account the need to ensure that political and legal systems reflect the multicultural character of their societies (ibid., para. 44).

Education and capacity-building

84. The Special Rapporteur recalls that education remains the most effective means of countering the negative influence that extremist political parties, movements and groups may have on young people. Recalling his report to the Human Rights Council at its twenty-third session (A/HRC/23/56), he recommends that States recognize the important role of education in combating

racism, racial discrimination, xenophobia and related intolerance, especially in promoting the principles of tolerance and respect for ethnic, religious and cultural diversity and preventing the proliferation of extremist racist and xenophobic movements and propaganda. Law enforcement officials and members of the judiciary should also be enabled to address crimes motivated by racist, xenophobic, anti-Semitic or homophobic biases by means of comprehensive and mandatory human rights training, with a specific focus on racist and xenophobic crimes perpetrated by individuals linked to extremist political parties, groups and movements (A/HRC/23/24, para. 34).

85. The Special Rapporteur welcomes the organization of awareness-raising activities, such as cultural events, festivals, conferences, seminars, competitions, exhibitions, research work and publications as well as information campaigns and other events aimed at providing a space for intercultural dialogue and interaction, which contribute to the building of a society based on pluralism, tolerance, respect for cultural diversity, multiculturalism and non-discrimination (A/HRC/29/47, para. 53).

The Internet and social media

86. The Special Rapporteur reiterates his concerns regarding the increased use of the Internet and social media by extremist political parties, movements and groups to promote and disseminate racist content (A/HRC/26/49 and Corr.1). He calls upon States to take all opportunities, including those provided by the Internet, to counter the dissemination of ideas based on racial superiority or hatred and promote the values of equality, non-discrimination, diversity and democracy while respecting their obligations under articles 19 and 20 of the International Covenant on Civil and Political Rights. States should adopt measures to counter those ideas and biases and strengthen freedom of expression and freedom of assembly and association, which play a crucial role in promoting democracy and combating racist and xenophobic ideologies based on racial superiority (A/HRC/23/24, para. 35).

Sports

87. The Special Rapporteur calls upon States to strengthen measures to prevent racist and xenophobic incidents at sports events. As he indicated in his report to the General Assembly in 2014 (A/69/340), he emphasizes the key role of sports in promoting cultural diversity, tolerance and harmony. The Special Rapporteur recommends that States and other relevant stakeholders, such as sports federations, take advantage of sports events to promote the values of tolerance and respect. He recalls paragraph 218 of the Durban Programme of Action, in which States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations, are urged to pursue the efforts against racism in sport, in particular by educating youth through sport practised without discrimination of any kind and in the Olympic spirit of human understanding, tolerance, fair play and solidarity.

Holocaust denial

88. **The Special Rapporteur reiterates his absolute condemnation of any denial or attempt to deny the Holocaust and all manifestations of religious intolerance, incitement, harassment or violence against persons or communities based on ethnic origin or religious belief. He calls for the active preservation of the sites which served as Nazi death camps, concentration and forced labour camps and prisons and urges States to take legislative and educational measures to put an end to Holocaust denial (A/69/334, para. 76).**

Civil society

89. **The Special Rapporteur recalls the importance of cooperating closely with civil society and international and regional human rights mechanisms to effectively counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements. In particular, the role played by civil society in collecting information, working closely with victims and promoting democratic principles and human rights should be emphasized and the sharing of good practices continue among all relevant stakeholders. The Special Rapporteur welcomes coordination between governmental structures and civil society in order to maximize efforts on anti-discrimination policies. He encourages such coordinated efforts and recommends inclusion of a variety of actors, such as civil society actors, national human rights institutions and the media. He also calls upon national human rights institutions and equality bodies to develop appropriate programmes to promote tolerance of and respect for all and to collect relevant information (A/HRC/23/24, para. 36).**

The media

90. **The Special Rapporteur wishes to stress the positive role played by the media in combating the spread of extremist ideas, in particular in combating stereotypes, promoting a culture of tolerance and playing an integrative role by providing space for ethnic minorities to also have their voice heard (A/69/334, para. 90).**

Need for statistics and disaggregated data

91. **The Special Rapporteur reiterates his previous recommendations in past reports concerning the need to collect disaggregated data and statistics on racist, xenophobic, anti-Semitic and homophobic crimes in order to identify the types of offences committed, the characteristics of the victims and the perpetrators and whether they are affiliated with an extremist political party, movement or group. Such disaggregated data would enhance a better understanding of the phenomenon and identify effective measures to be taken to address these crimes.**

Other

92. **Finally, the Special Rapporteur, in acknowledging the importance of keeping the issue of glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the international agenda, would like to refer to the**

work his mandate has undertaken in this regard. The present report is the eighth that he has been requested to present on this issue and he has so far endeavoured always to fulfil the request with great commitment and understanding by preparing a report on this subject twice a year, for submission to both the Human Rights Council and the General Assembly. The Special Rapporteur considers that it is time to turn to alternative ways to continue to devote attention to this phenomenon. These could include the submission of one report on this topic to the Assembly only, which would allow the collection of views on the basis of submissions received in accordance with paragraph 43 of resolution 69/160, along with other ways to engage in a constructive dialogue with Member States and other stakeholders on this important issue, including communications and country visits. He hopes that the Assembly will take these suggestions into account in its deliberations and in the adoption of its resolution on this topic.